

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

FRANKLIN COACHMAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV 05-051-JHP-SPS
	)	
JO ANNE B. BARNHART,	)	
COMMISSIONER OF THE SOCIAL	)	
SECURITY ADMINISTRATION,	)	
	)	
	)	
Defendant.	)	

**ORDER AFFIRMING AND ADOPTING THE FINDINGS AND  
RECOMMENDATION OF THE UNITED STATES  
MAGISTRATE JUDGE**

On September 27, 2006, the United States Magistrate Judge entered his Findings and Recommendation in regard to Plaintiff's request for judicial review of the decision of the Commissioner of the Social Security Administration. The Magistrate Judge recommended that the decision of the Administrative Law Judge be reversed and remanded pursuant to the fourth sentence of 42 U.S.C. §405(g).

The court, in its review, has been granted power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Secretary, with or without remanding the case for a rehearing. 42 U.S.C. §405(g); *Nguyen v. Shalala*, 43 F.3d 1400, 1403 (10<sup>th</sup> Cir. 1994); *Pettyjohn v. Shalala*, 23 F.3d 1572, 1575 (10<sup>th</sup> Cir. 1994). The

findings of the Secretary as to any fact, if supported by substantial evidence, shall be conclusive. In this action, Plaintiff alleges the Secretary's decision is not supported by substantial evidence, and further contends she meets the Listing of Impairments. The defendant has not filed an objection to the Magistrate Judge's Report and Recommendation within the time prescribed by law. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(a).

This court finds the Report and Recommendation of the Magistrate Judge is supported by the record. Therefore, upon full consideration of the entire record and the issues presented herein, the court finds and orders the Report and Recommendation entered by the United States Magistrate Judge on September 27, 2006, be **AFFIRMED** and **ADOPTED** by this court as its Findings and Order.

IT IS SO ORDERED this 8<sup>th</sup> day of November 2006.

  
James H. Payne  
United States District Judge  
Eastern District of Oklahoma